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Acting Under Authority Conferred By 28 U.S.C. § 515

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
ELIZABETH HOLMES and RAMESH  
“SUNNY” BALWANI,  
Defendants.

) Case No. CR 18-258 EJD  
)  
) JULY 7, 2020 DECLARATION OF AUSA  
) ROBERT S. LEACH IN SUPPORT OF UNITED  
) STATES’ OPPOSITION TO DEFENDANT  
) ELIZABETH HOLMES’ MOTION TO STRIKE  
) RULE 404(b) NOTICE OR, IN THE  
) ALTERNATIVE, COMPEL ADEQUATE RULE  
) 404(b) DISCLOSURE  
)  
) Date: July 20, 2020  
) Time: 1:30 p.m.  
) Courtroom: 4, 5th Floor  
)

I, Robert S. Leach, declare as follows:

1. I am an Assistant United States Attorney with the United States Attorney’s Office for the Northern District of California (“USAO”). I am one of the prosecutors assigned to this matter and have been since 2016. I make this declaration in support of the United States’ Opposition to Defendant Elizabeth Holmes’ Motion to Strike Rule 404(b) Notice or, in the Alternative, Compel Adequate Rule 404(b) Disclosure.

2. Attached as Exhibit A is a true and correct copy of a letter from the government to counsel for the defense dated August 7, 2018. Since August 7, 2018, the government has made approximately 24 additional productions of discovery; each time the production letter stated in substance: “[t]he government hereby gives notice that it may seek to introduce the other crimes, wrongs or acts committed by defendant which are referenced in the enclosed documents pursuant to Rule[] 404(b).”

3. On June 26, 2020, the government served its exhibit and witness lists on Defendant Holmes.

4. To the best of my knowledge, the government has produced all FBI-302s and government memoranda of interview prepared to date for individuals on the witness list. It likewise has produced all prior statements (such as deposition testimony in parallel proceedings) by such witnesses in its possession, custody, and control.

5. Attached as Exhibit B is a true and correct copy of the government's Rule 404(b) notice in *United States v. Shayota*, No. CR 15-264-LHK [Docket 209].

I declare under penalty of perjury that the foregoing is true and correct. Executed this 7th day of July 2020.

/s Robert S. Leach

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**ROBERT S. LEACH**  
Assistant United States Attorney